



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 490-00

26 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 15 January 1946 at age 19. At that time you had completed about 17 months of active service in the Naval Reserve. The record shows that on 23 July 1946 you began a period of unauthorized absence. On 1 August 1946 the Federal Bureau of Investigation informed your command that you were incarcerated in Arizona on a charge of auto theft. Subsequently, you were convicted by civil authorities of this offense and were sentenced to serve a year in a federal penitentiary.

Based on your conviction by civil authorities you were processed for an administrative discharge. On 20 September 1946 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with an undesirable discharge. You were so discharged on 25 August 1946.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. The Board also considered your contention, in effect, that clemency is warranted in your case because you have been severely punished for an isolated offense that occurred over

53 years ago. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your conviction by civil authorities of a serious offense. The Board concluded that the discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you are eligible for veterans' benefits based on your period of honorable service ending on 14 January 1946. Therefore, if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director